



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR - 4 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Xiaodong Qu
DaMenga Weaver
Global Recycling, Inc.
1465 East 17th Avenue
Columbus, Ohio 43211

Re: Administrative Consent Order EPA-5-15-113(a)-OH-02

Dear Messers Qu and Weaver,

Enclosed is an executed original of the Administrative Consent Order (ACO) regarding the above captioned case. The ACO became effective upon the date of signature by the EPA Region 5 Air Division Director. If you have any questions about the ACO, please contact Natalie Topinka at (312) 886-3853, or Erik Olson at (312) 886-6829.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank", is written over a horizontal line.

Nathan A. Frank, P.E.
Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure:

cc: Erik Olson, C-14J
Natalie Topinka, AE-17J
Joseph M. Reidy, Frost Brown Todd LLC
Robert Hodanbosi, OEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-15-113(a)-OH-02
)	Proceeding Under Sections
Global Recycling, Inc.)	113(a)(3) and 114(a)(1)
)	of the Clean Air Act,
Columbus, Ohio)	42 U.S.C. §§ 7413(a)(3) and 7414(a)(1)
)	
)	
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Administrative Consent Order

1. The Director of the Air and Radiation Division (Director), U.S. Environmental Protection Agency, Region 5 (EPA), is entering into this Administrative Consent Order (Order) with Global Recycling, Inc. (Global), 1465 East 17th Avenue, Columbus, Ohio, under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

I. Statutory and Regulatory Background

2. Section 113(a)(3)(B) of the Act, 42 U.S.C. § 7413(a)(3)(B), authorizes the Administrator of EPA to issue an order requiring compliance with Subchapter VI of the Act to any person who has violated or is violating any requirement of Subchapter VI. The Administrator of EPA has delegated her order authority to the Regional Administrator of EPA, Region 5 pursuant to EPA Headquarters Delegation 7-6-A. The Regional Administrator of EPA, Region 5, has delegated her order authority to the Director of the Air and Radiation Division, pursuant to EPA Region 5 Delegation 7-6-A.

3. The Administrator of EPA may require any person who owns or operates an emission source to make reports and provide information required by the

Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator of EPA has delegated her information gathering authority to the Regional Administrator of EPA, Region 5 pursuant to EPA Headquarters Delegation 7-8. The Regional Administrator of EPA, Region 5, has delegated her information gathering authority to the Director of the Air and Radiation Division, pursuant to EPA Region 5 Delegation 7-8.

4. Subchapter VI of the Act, 42 U.S.C. § 7671, *et seq.* provides for the protection of stratospheric ozone. Section 608(b) of the Act, 42 U.S.C. § 7671g(b) provides EPA with the authority to regulate the safe disposal of class I and II substances. Class I and II substances include refrigerants containing chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs). EPA promulgated such regulations covering the safe disposal of CFCs and HCFCs from small appliances and motor vehicle air conditioners at 58 Fed. Reg. 28660 (May 14, 1993). These regulations for protection of the stratospheric ozone, recycling and emissions reduction are found in 40 C.F.R. Part 82, Subpart F.

5. Effective July 13, 1993, persons who take the final step in the disposal process (including but not limited to scrap recyclers) of small appliances and motor vehicle air conditioners (MVACs) must either recover the refrigerant in accordance with specific procedures or verify with signed statements that the refrigerant was properly recovered prior to receipt of the small appliance or MVAC. See 40 C.F.R. § 82.156(f). If verification statements are used then the scrap recycler must notify the suppliers of the small appliance or MVAC of the need to properly recover the refrigerant. See 40 C.F.R.

§ 82.156(f)(3). The scrap recycler must keep verification statements on-site for a minimum of three years. See 40 C.F.R. § 82.166(i) and (m).

6. EPA's regulations for the protection of the stratospheric ozone, recycling and emissions reduction define a "small appliance" as any appliance that is fully manufactured, charged, and hermetically sealed in a factory with five pounds or less of a class I or class II substance used as a refrigerant, including, but not limited to, refrigerators and freezers (designed for home, commercial, or consumer use), medical or industrial research refrigeration equipment, room air conditioners (including window air conditioners and packaged terminal air heat pumps), dehumidifiers, under the counter ice makers, vending machines, and drinking water coolers. See 40 C.F.R. § 82.152.

7. EPA's regulations for the protection of stratospheric ozone, recycling and emissions reduction define motor vehicle air conditioners (MVACs) as mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of any motor vehicle. See 40 C.F.R. §§ 82.32 and 82.152.

II. Findings

8. Global Recycling, Inc, owns and operates a scrap metal recycling facility at 1465 East 17th Avenue, Columbus, Ohio (Global or the Facility).

9. Global is a corporation organized and doing business in Ohio.

10. Global is a "person," as defined by 40 C.F.R. § 82.152.

11. Global is a person who takes the final step in the disposal process of small appliances and is subject to the requirements of 40 C.F.R. Part 82, Subpart F.

12. At the Facility, Global has accepted small appliances and MVACs without either recovering refrigerant or obtaining verification statements that meet the requirements of 40 C.F.R. § 82.156(f).

13. On May 30, 2012, EPA issued to Global a Finding of Violation alleging that Global has violated 40 C.F.R. § 82.156(f), because it neither recovered refrigerant from small appliances and MVACs nor obtained proper verification statements before accepting small appliances and MVACs.

14. On July 17, 2012, and in subsequent correspondence, Global conferred with EPA concerning the violations referenced in paragraph 12.

III. Compliance Program

15. Global must comply with 40 C.F.R. Part 82, Subpart F. Additionally, for any small appliance or MVAC that it receives at the Facility, Global must take the actions and maintain compliance as specified in paragraphs 16 through 23, below, for one year after the effective date of this Order.

16. Global must not accept small appliances or MVACs with cut or dismantled refrigerant lines if it knows or has reason to know that the refrigerant has not been properly recovered in accordance with 40 C.F.R. § 82.156.

17. Global must not accept small appliances or MVACs with cut or dismantled refrigerant lines unless its supplier can certify, using the verification statement included as Attachment 1 to this Order, that all refrigerant that had not leaked previously has been properly recovered. For suppliers with whom Global has a long-standing business relationship, this requirement may be satisfied by Global entering into the contract included as Attachment 2 to this Order.

18. Global may accept small appliances or MVACs with intact refrigerant lines provided it uses refrigerant recovery equipment as described in paragraphs 22-23, below, to remove any remaining refrigerant.

19. Global must notify its suppliers in writing that it will not accept small appliances or MVACs with cut or dismantled refrigerant lines, unless the suppliers can certify that the refrigerant was properly recovered prior to cutting or dismantling the refrigerant lines using the verification statement included as Attachment 1 to this Order or the contract included as Attachment 2 to this Order.

20. Global must notify its suppliers in writing that it will provide refrigerant recovery services at no additional cost or reduction in the value of the scrap.

21. Global may satisfy the notice requirements of paragraphs 19 and 20 with a warning sign consistent with 40 C.F.R. § 82.156(f)(3) that is prominently displayed at its weigh station during the period of time that this Order is in effect.

22. Global must use EPA-approved equipment to recover refrigerant from small appliances and MVACs, or contract the services of a trained individual to recover refrigerant from small appliances and MVACs. Global will ensure that the individual using this equipment is properly trained.

23. For refrigerant it recovers from small appliances and MVACs, Global must use the refrigerant recovery log included as Attachment 3 to this Order. Global must retain copies of receipts for all refrigerant it collects and sends to any other companies for reclamation.

24. Within thirty days after the effective date of this Order, Global must submit to EPA proof of its compliance with the notice requirements of paragraphs 19 and

20, and that it is using the equipment with an individual trained in recovering refrigerant as required by paragraph 22.

25. Within six months after the effective date of this Order and at one year after the effective date of this Order, Global must submit to EPA copies of the following: all signed verification statements, all signed contracts entered into during the previous reporting period, and all refrigerant recovery logs and receipts required by paragraph 23, above.

26. Global must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
EPA, Region 5
77 West Jackson
Chicago, Illinois 60604

IV. General Provisions

27. Global agrees to the terms of this Order.

28. Global waives all remedies, claims for relief and otherwise available rights to judicial or administrative review that Global may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b) of the Act.

29. This Order does not affect Global's responsibility to comply with other federal, state, and local laws.

30. This Order does not restrict EPA's authority to enforce any requirement of the Act or its implementing regulations.

31. Failure to comply with this Order may subject Global to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

32. Global may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Global fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

33. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in EPA's electronic record keeping efforts, please provide response(s) to this Order in electronic format if possible. If paper copies are sent, please provide response(s) without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

34. The terms of this Order are binding on Global, its assignees, and successors. Global must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA that it has given the notice.

35. EPA may use any information submitted under this Order in an administrative, civil, judicial, or criminal action.

36. This Order is effective on the date of signature by the Director. This Order will terminate one year from the effective date, provided that Global has complied with all terms of the Order throughout its duration. Thereafter, Global shall continue to comply with 40 C.F.R. Part 82, Subpart F.

37. Each person signing this Order certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

38. Each party agrees to pay its own costs and attorneys' fees in this action.

39. This Order constitutes the entire agreement between the parties.

AGREED AS STATED ABOVE:

Global Recycling, Inc.

2-10-15
Date

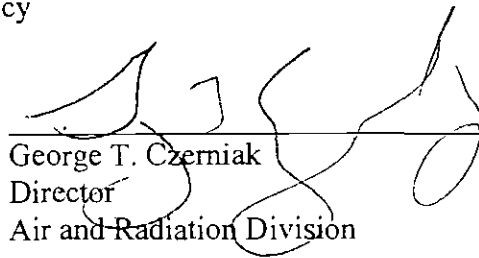


DaMenga Weaver
President
Global Recycling, Inc.

AGREED AND SO ORDERED:

U.S. Environmental Protection Agency

3/4/15
Date



George T. Czerniak
Director
Air and Radiation Division



Global Recycling Inc.

Refrigerant Evacuation Certification

Under penalty of law, the undersigned SELLER hereby certifies to Global Recycling Inc. (hereinafter "Buyer") that the appliance formerly containing refrigerant sold to BUYER on the date set forth below hereby comports to the legal requirements as denoted below. Seller also agrees to hold the BUYER harmless from any and all liability, including fines and attorney fees, arising from the improper evacuation and disposal of refrigerant. The SELLER specifically certifies compliance in one of two (2) ways as follows:

- ☐ **REMOVED BY SELLER'S QUALIFIED TECHNICIAN:** Pursuant to 40 CFR, Subpart F, undersigned SELLER certifies that all refrigerant (including, but not limited to, chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs), as defined in Section 608 of the Clean Air Act Amendments and 40 CFR Part 82), has been legally recovered from appliances delivered under this contract of sale prior to delivery on (date of removal) _____ by (name of technician) _____ whose address is _____ using USEPA-certified equipment.

OR

- ☐ **REMOVED BY BUYER:** The refrigerant was not removed and needs to be recovered by qualified technicians employed by the BUYER.

Descriptions:

Type of Unit _____ Model _____ Mfg _____ Line Cut: Yes or NO

Type of Unit _____ Model _____ Mfg _____ Line Cut: Yes or NO

Type of Unit _____ Model _____ Mfg _____ Line Cut: Yes or No

WARNING: By signing this form, you as the SELLER affirm that the information required under CFR Chapter 40 Part 82 is true. If you provide false or incomplete information, you may be subject to felony and/or misdemeanor criminal charges, including the crime of Falsification pursuant to ORC 2921.13.

Date: _____ SELLER: _____

Transaction # _____

Note: If the BUYER knows or has reason to know this signed statement is false, it is a violation of law.

Global Recycling, Inc.

1465 East 17th Avenue, Columbus, Ohio 43219

Refrigerant Recovery Certification Agreement

Agreement Number: _____

Seller Business Entity Name _____

Seller Representative Name _____

Seller Business Address _____

Pursuant to 40 CFR, Part 82, Subpart F, federal and state regulations, undersigned SELLER certifies that all refrigerant (including, but not limited to, chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs), as defined in Section 608 of the Clean Air Act Amendments and CFR Part 82), has been legally recovered from appliances and/or motor vehicle air conditioners (MVACs) delivered under this master agreement ("Agreement") prior to sale and delivery to Buyer (Global Recycling, Inc).

SELLER hereby is obligated to provide to Buyer via manifest, at the time of sale and delivery, the Make, Model, Year of Appliance / MVAC and/or Vehicle VIN# / Appliance Model # that it delivers to Buyer under the terms of this Agreement.

By signing this for SELLER, you affirm that the information required under Code of Federal Regulations Chapter 40 Part 82 Subpart F is true. If you provide false or incomplete information, you may be subject to felony and/or misdemeanor criminal charges, including the crime of Falsification pursuant to Ohio Revised Code 2921.13.

Seller Signature: _____

Buyer Signature: _____

Seller Name/Title: _____

Buyer Name/Title: _____

Date: _____

Date: _____

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-15-113(a)-OH-02, by certified mail, return receipt requested, to:

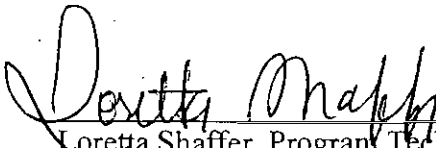
Xiaodong Qu
DaMenga Weaver
Global Recycling, Inc.
1465 East 17th Avenue
Columbus, Ohio 43211

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-15-113(a)-OH-02, by first-class mail to:

Robert Hodanbosi
DAPC Central Office
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Joseph M. Reidy
Frost Brown Todd LLC
One Columbus, Suite 2300, 10 West Broad Street
Columbus, OH 43215-3484

On the 6 day of March 2015.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

7011 1150 0000 2640 5601